IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 11805 of 2006

Date of Decision :14.5.2007

Smt. Piari and others

...Petitioners

Versus

Sub Divisional Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. Vibhav Jain, Advocate
for the petitioners

Mr. M.P. Goswami, DAG, Punjab

Mr. C.B. Goel, Advocate
for respondent No. 2

M.M. KUMAR, J. (ORAL)

This petition filed under Articles 226 and 227 of the Constitution of India quashing the order dated 27.4.2006 (Annexure P-3) passed by Sub Divisional Officer (Civil) Karnal, Mini Secretariat, Karnal under section 8(1) of Haryana Agricultural Credit Operations and Misc. Provisions (Banks) Act, 1973.

It is admitted position that Pal Singh, husband of petitioner No. 1 and father of petitioners No. 2 and 3 availed a loan of Rs. 1,60,000/- for the purchase of Tractor on 13.5.1999 and mortgaged his land measuring 50 Kanals 7 Marlas situated in village Sheikhpura Tehsil and District Karnal. The account of Pal Singh became NPA on 1.3.2000. It is also undisputed that on 19.8.2006, an amount of Rs. 1,79,350/- was outstanding. On 1.8.2006 when the petition came up for hearing, the following statement was made on behalf of the petitioners. The statement was made before this Court as is reflected in the order of the Division Bench, which reads as under :-

"Counsel for the petitioners states that the respondents, while

claiming amount from the petitioners towards loan, raised by their father, are not taking into account Rs. 60,000/-, which were paid by the petitioners. Counsel further states that the petitioners are ready to deposit the amount due, in installments. It has further been said that the rate of interest charged is on the higher side.

Notice of motion for 25.9.2006.

Subject to the petitioners' depositing Rs. 30,000/- within three weeks from today, further action, in consequent to order dated 27.4.2006 (Annexure P/3) shall remain stayed till further orders.

Copy of this order be given dasti on usual payment."

Keeping in view the statement made by the petitioners through their counsel, we direct that the petitioners may deposit the amount of Rs. 1,79,315/- minus the interest in 12 monthly instalments of equal amount.

Writ petition stands disposed of.

In default of making payment of Rs. 1,79,315/- respondent shall be at liberty to approach again this Court.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 14, 2007
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